

DILLON CO. MYSTERY ITEMS 'DANDY PHIL'S' Trustee Says \$45,000 Was Paid Out for Kastel's Personal Bills.

TRACES \$10,000 OF IT Actress's Rent, Shirts at \$12.50 and Car Upkeep Among Expenses.

OFFICE BOY IS CALLED Tells Referee Kastel 'Treated Him Like Father,' That Is, Paid His Craps Debts.

Keyes Winter, trustee in the \$300,000 bankruptcy of Dillon & Co., at a hearing yesterday before Referee Peter B. Olney, declared that he had established the mysterious "D. D. No. 2" account on the Dillon books as that of "Dandy Phil" Kastel, alleged to have been the backer of the firm.

Through that account, Mr. Winter said, a total of \$45,000 was drawn out during a six months period. He had witnesses before the referee who traced the history of \$10,000 worth of the checks and drafts drawn against that account, showing that the entire \$10,000 was paid out by Dillon & Co. for Kastel's personal bills. He said he will trace the remainder of the \$45,000 in the same manner.

Bing & Bing, real estate operators, who control the apartments at 340 Seventh avenue, presented a lease on an apartment there signed by Kastel. Checks were shown also to prove that Dillon & Co. paid the rent on the place for Kastel.

\$3,000 to Actress.

That is the address at which Augustus Tohill, indicted customer's man, testified that he visited Doris Sheerin, a motion picture actress, whose Tohill knew as Mrs. Kastel. It had been shown previously that \$3,000 out of the "D. D. No. 2" account went to Miss Sheerin. Yesterday's testimony showed that Edna Maude Kastel gave \$3,000. Among other items which appeared to have been paid by Dillon & Co. for Kastel were custom made shirts at \$12.50 each, \$25 for monogrammed cigarettes and numerous items for upkeep and repair of two automobiles.

Felix Weinberg, an office boy of Dillon & Co., who persistently testified that he knew virtually nothing about Kastel, took the witness stand again and admitted not only that he knew Kastel and that he came to Dillon's offices three or four times a week but that Kastel had "treated me like a father." He explained that he meant by that expression that Kastel used to pay him his craps bills. He said, however, that he still has two weeks pay coming to him from Dillon & Co.

Neither Kastel nor Daniel Dillon, ostensible head of the firm and for whose name it once was thought "D. D. No. 2" stood, have been found by process servers.

Buckets and Wine.

Randolph M. Newman, a lawyer, denied on the stand that he represented Kastel or Dillon & Co. Newman then showed him a check for \$250 paid by Dillon & Co. to him and demanded that he restore the money unless he could show that Newman declared, however, that the money did not come to him without a consideration and that he would not return it. He was also shown that he had exchanged checks with Dillon & Co. in some fashion.

Mr. Newman informally gave the court the benefit of his knowledge in a manner in which "good bucket shops" are conducted. The main reason for their failure, he said, was too much overhead in the form of wines and delicacies.

The hearing was adjourned until next Wednesday.

JUDGE REFUSES TO KILL SELDOM SOBER HUSBAND

Denies Stentorian Request of Wife for Three Reasons.

"You better do what I tell you," Mrs. Christopher Donegan of 5 Water street, Woodhaven, told Magistrate Thomas Doyle in the Jamaica police court yesterday, "and take that man outside and shoot him."

"That man" was Mrs. Donegan's husband, who, she said, was drunk three weeks out of every month.

"And what's more," exclaimed Mrs. Donegan in stentorian tones, arms akimbo, "when he's out of money he sells even the family soap, sewing thread and phonograph records."

Donegan interrupted to declare that he was "the wisest man in the world." Judge Doyle, turning to Mrs. Donegan, said: "I'd like to oblige you, madam, but if I did as you ask me I am sure so many similar requests from wives would be made that I would need several ammunition factories here immediately and also additional cemeteries."

Donegan was held in \$2,000 bail for felonious assault and disorderly conduct.

SUBWAY PLAN GAINING FAVOR, HYLAN ASSERTS

'Shown Yourself People's Friend,' Admirer Says.

Further commendation of Mayor Hylan's new subway plan continues to come into the Mayor's office, it was announced there yesterday.

A number of communications from the Borough of Queens, of the made public, including one from the Rockaway Park Citizens Association, of which Vita Contessa is president; the Property Owners Association of the Rockaways, Leonard Friedman secretary; William A. White of Austin, Nichols & Co. and William H. Schabehorn.

"You have shown yourself a friend of the people," Mr. White is quoted as saying, "because in providing subways for Queens borough you are providing for sections where building lots are still to be had at a low price, compared to other sections of the city."

"The Queens Chamber of Commerce has asked for seventy-five copies of the plan's outline and the Brooklyn Chamber of Commerce for 1,000."

NASSAU'S LIMB OF THE LAW OF LIMB OF TREE, DEFIANT

But Deputy Sheriff Jarvis Is Finally Divested of Insignia of Power, Though He Retains Brown Derby, Police Whistle and Handcuffs.

Frank Jarvis, the pocket size deputy sheriff of Nassau County, who came to New York last week and met a bad man who took his watch and \$10 in cash, lost his job yesterday because Sheriff Charles W. Smith decided that the behavior of Jarvis on his New York trip did not properly uphold the traditions of the county. He therefore sent Deputy Sheriff Leonard Thorne out to find the diminutive and deputy sheriff and take away his badge.

Deputy Thorne found Deputy Jarvis wearing his brown derby, the celluloid collar and the yellow shoes that so intrigued the New York policemen, working on the farm of Henry Smith near Roslyn. On his shirt was pinned the great gold plated badge from his pocket protruded the silver revolver and across his shirt front dangled his police whistle and handcuffs. Jarvis, upon sight of Deputy Thorne, abandoned his hoe and climbed a tree, crawling out on a branch high in the air.

Thorne ordered him to come down, but Jarvis only laughed. For half an hour Thorne coaxed and argued and cajoled but Jarvis said he would be ding busted if he would come down and give up anything he was wearing. So Thorne drew his gun.

DR. HIRSHBERG HELD ON FRAUD CHARGES

Health Writer Accused in Al- leged Stock Swindle by Broker Firm.

Dr. Leonard K. Hirschberg of Wildwood, N. J., and Baltimore, a partner in the firm of Winthrop Smith & Co., stock brokers, 1540 Broadway, was held yesterday in \$15,000 bail upon a charge of using the mails in furtherance of a scheme to defraud. The post office inspectors who arrested him declare that the company has taken in about \$1,000,000 in the last year.

The company has branches in Baltimore, Cleveland, Washington, Harrisburg, Elmira and Martinsburg, W. Va. It is understood a Grand Jury in Washington has taken up the company's activities under consideration.

Dr. Hirschberg is a graduate of Johns Hopkins and is a writer for newspapers and magazines upon health and hygiene subjects. His arrest followed a long investigation by the postal inspectors and the Better Business Bureau of New York, 61 Broadway. He was taken into custody by inspectors Edmund Honvery, Francis Kelly and James J. Doran at the Winthrop Smith & Co. offices Thursday night and questioned for three hours in the Post Office Building in Eighth avenue. He was then held at his own residence and was permitted to pass the night in the building under guard. The postal authorities and the Better Business Bureau regard the case as one of the most important alleged swindle schemes unearthed since Ponzi.

Participating System.

The system whereby Winthrop Smith & Co. are alleged to have taken in their customers' money is known as a discretionary, or "blind" pool, and was dignified by Winthrop & Co. with the title of "participating syndicate." It is similar to that used by the Community Finance Company, which recently closed its doors overnight.

A discretionary pool, or "participating syndicate" is a fund into which the customer puts his money to be speculated with in any stock or manner at the discretion of the broker. The broker asks a percentage of the net profits for handling the transactions.

The Winthrop Smith & Co. contract called for a 30 per cent. rake off on net profits, and also placed the customer under obligation not to withdraw his account except upon thirty days' notice to the company, notice to be given by the first of each calendar month or when given thereafter to be come effective on the first day of the next month. That system would allow the company to keep funds as long as six days after an order for withdrawal.

Denies Any Losses.

The contract, furthermore, is in the form of a receipt for the customers' money. Attached to the receipt is a stub to be signed by the customer and returned to the company, and signing the stub acknowledges the contract.

The company, according to the Better Business Bureau, makes a practice of appealing to persons of small means, especially savings depositors. A booklet bearing the title of "Theory and Practice of Money Making" and a series of form letters were mailed out to prospective customers, who were advised:

"If you are a man of action, the information in this booklet will impel you to act immediately and decisively! Do so, and you step at once from the hard working, hand to mouth majority into the financially independent minority."

"The Stock Exchanges" and "only such securities as are listed on the Stock Exchanges" are referred to with a frequency.

Peter J. McCoy, Assistant United States Attorney, who will present the case to the Grand Jury, said the three copies of the booklet showed a net profit of \$11,510 for August, which, supposed to represent an average of 4 per cent. on investment, would mean the company was accountable for around \$1,000,000.

Dr. Hirschberg said that no customer ever had lost any money in dealing with the firm.

COURT ORDERS BUSES ON TWO LINES STOPPED

Railways Contend Competitor Has No Franchise.

Two more temporary injunctions against the Manhattan Transit Company were granted by Justice Callaghan in the Brooklyn Supreme Court yesterday, on application of the Brooklyn Rapid Transit Company and the South Brooklyn Railway Company, which contend that the competition offered by the bus company is unfair because it has no valid franchise.

They will restrain the company from operating buses through Brownsville and through Coney Island from the West End depot to Sea Gate. The Manhattan company, despite an injunction issued Tuesday, on application of the Brooklyn City Railway Company, continued yesterday the operation of its buses between the Williamsburg section of Brooklyn and the Jackson Heights section of Long Island City. It is understood that the order of the court in this case has not yet been served upon the officials of the bus company.

SOARS OFF HEMPSTEAD

Stays Aloft 17 Seconds Af- ter Casting Off Line From Speeding Boat.

FIRST FLIGHT IN 8 YEARS

Aim, He Says, Is to Find the Smallest Motor Needed to Send Craft Up.

PORT WASHINGTON, L. I., Sept. 8.—Glenn H. Curtiss in his sailplane glider made a sustained flight of seventeen seconds in the waters of Hempstead harbor this afternoon. After being towed by a boat at a speed of about 25 miles an hour the glider left the water and rose to a height of about 25 feet, and after being towed in air for over a minute the rope was cut and the glider maintained its flight for seventeen seconds and descended gradually to the water, where it lit like a feather.

On previous flights a towrope of fiber was used, but the weight of this when in the water caused a down pull on the glider, so a wire was substituted to avoid this. Still another type of wire will be used, Mr. Curtiss said, in the future when it is planned to use a wire rope 1,000 feet long.

"All of this gliding," said Mr. Curtiss, "is, of course, entirely experimental. We do not want to be towed by an airplane at this time, although that will be a step taken soon. We know that we can glide or soar from a height. We are more interested now in studying air currents over the water from a flat surface. Therefore we are going to step along gradually."

"It is my purpose to slow down the speed of the pulling boat until we determine the exact pulling point required to tow the glider."

"We will determine this by weighing the tow line on a scale. After we have made this determination we will most likely put a small motor into the glider to make it practical. Possibly we can run the glider with a six horse power motor. By this means I believe we will be able to learn a number of necessary things for aviation. We are studying the birds and we are trying in every way to apply to our gliders and our airplanes what we have seen in the flights of birds."

Mr. Curtiss was asked if he believed speed and maneuverability were necessary in order to keep the glider in flight.

"We do not know how the albatross keeps in motion," he replied. "But we are of the opinion it takes advantage by lowering its wings of puffs of wind to give it renewed motion. We know it can soar for a considerable distance."

Mr. Curtiss, who has not flown in eight years, is preparing to establish a school for the control of the glider. He said he may go to Pensacola, Fla., to conduct further experiments during the winter.

THE reduction in number of police captains has been brought about through the reduction in the number of police stations by the consolidation of precincts.

At that time Commissioner Enright made it appear that the cost of operating the entire department would probably go down.

CITY CLERKS CHARGED WITH STEALING MOTOR

Both in Office of Brooklyn Borough President.

Charged with receiving a stolen automobile, Merrill Hughes, 15, of 161 East Thirty-first street, and Peter Hoesy, 19, of 1063 New York avenue, were arrested yesterday by Police Inspector James O'Neill, in the Flatbush Police court, and held in \$2,500 bail for examination on Tuesday.

Both young men are employed in the office of the Borough President, in Brooklyn, as clerks. Hughes is the son of a city fireman and Hoesy is the son of a former police lieutenant.

Isadore Shapiro, a furniture dealer of 2411 Beverly road, whose automobile was stolen on Tuesday discovered his car at Tilden and Nostrand avenue and notified the police. Detectives arrested the youths when they stepped in it.

The young men told the detectives that a third person asked them to drive the car to Borough Hall for him. The police are looking for this person.

LEGION ASKS REMOVAL OF HARDING'S DOCTOR

Kings County Convention Cheers Ouster Resolution.

The attack on Brig.-Gen. Charles E. Sawyer, personal physician to President Harding and head of the Hospitalization Committee, by the Kings County American Legion, in a convention at the 106th Regiment Armory, Brooklyn, crystallized last night in the form of a resolution demanding his removal.

A copy will be sent to President Harding. The resolution was presented by James P. Cook, commander of the 106th Post. It was met with great enthusiasm. When Sawyer's name was mentioned cheers and hisses filled the large hall.

William F. Deegan, commander, department of New York, was bitter against what he termed Dr. Sawyer's attempt to interfere with hospitalization work.

DOG BITES POLICEMAN WHO THREATENS BOYS

Swing of Night Stick Too Much for Collie.

Patrolman Henry Bode, of the Coney Island Station, Brooklyn, swung his night stick last night to frighten a number of small boys who were making noise at Ellery street and Delmonico place. A collie which was playing with the youngsters sank its teeth into the policeman's right calf. Bode beat off the dog with his stick and then went to Beth Moses Hospital, where his wound was treated.

Edward Edwards, of 192 Ellery street, owner of the dog, was summoned for not having the dog muzzled.

PLANE TOWED GLIDER NEXT, SAYS CURTISS

Inventor Predicts New Step After More Low Flight Experiments.

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Edward Edwards, of 192 Ellery street, owner of the dog, was summoned for not having the dog muzzled.

State Investigates Use of Oil for Milk Fats

ALBANY, Sept. 8.—An investigation to detect substitutions for milk fats in the manufacture of milk products is being conducted by the State Department of Farms and Markets, according to Berne A. Pyrk, commissioner, and numerous instances of violations of the law passed by the last Legislature, which prohibited the use of substitutes for milk fats, have been discovered already.

A penalty of \$3,000 has been imposed on one company which the department announced had been found guilty of employing substitutes.

The investigation was undertaken upon receipt of reports that large quantities of an oil product were being shipped to manufacturers of evaporated milk in New York State. Seizure of thirty samples and a subsequent chemical analysis of the milk products showed the oil had been substituted for milk fat.

RHODES INDICTED IN REALTY SWINDLE

Accused of Collecting Money to Buy Bungalows and Then Not Getting Them.

Two indictments handed up to Judge Mulqueen in General Sessions by the Grand Jury yesterday charged William Rhodes, 68, of 635 West 113th street, with stealing \$111,150 from Constantine Ballin, a restaurant keeper of 3700 Broadway, in April of this year, and \$500 from Mrs. Amy Bailey of 635 West 113th street.

James J. Wilson, Assistant District Attorney, said that Rhodes had been involved in a \$100,000 scheme to defraud numerous persons by leading them to believe that he intended to invest their money in Government bungalows auctioned at Chester, Pa.

"I have claims aggregating \$91,000 against Rhodes now," Mr. Wilson said. "We find that he never bought any of the houses he said he was going to buy but merely diverted the money to his own uses. One of the alleged victims is Fred Gauntlett, who has an office in the Wilkins Building, Washington, D. C. Mr. Gauntlett complains that Rhodes got \$15,800 from him. Another Washington man, I am informed, says that Rhodes got \$60,000 from him, and Rhodes is wanted in that city."

"According to the complaints, Rhodes told his alleged victims that he was going to buy Government bungalows at Chester, Pa., in wholesale lots at \$1,800 each and would sell them singly at \$2,500 each."

Mr. Wilson says that Rhodes was for sale and Joseph P. Day was the auctioneer, but Rhodes didn't buy any, and, according to Ballin, when he pressed Rhodes for money the latter said: "Well, you know darned well I didn't buy any." Another complainant says he gave Rhodes \$1,954 for the same purpose.

Rhodes, who is also mentioned in the indictments as William T. Roberts, is in the Tombs in default of \$25,000 bail which was fixed by Magistrate W. Bruce Cobb in Essex Market Court upon his arrest about ten days ago on complaint of George Schneider of 684 Broadway, who charged that Rhodes had stolen \$5,868 from him. He will be arraigned on Monday.

WRITER JOINED IN SUIT OVER RIGHTS TO SONG

Called It 'He May Be Your Man; He Comes to See Me.'

The progress toward fame and wealth begun by Lemuel Fowler, a song writer, of 2239 Seventh avenue, was arrested suddenly yesterday when at the end of a trial in the United States District Court Judge Julian W. Mack sent him and two associates to the Tombs to await further court action.

Fowler said he composed the words and music of a dirty entitled "He May Be Your Man, But He Comes to See Me Sometimes." Fowler is charged with a conspiracy to obstruct justice, in which charge he has a companion, Percy Bradford of 5 West 123rd street. Spencer Williams, another companion, who is charged with perjury, said he lived at 3211 Calumet avenue, Chicago.

The three were committed to the Tombs in default of bail of \$5,000 each. The suit was one in equity, wherein were involved the rights to print, publish and collect royalties and prices for copies of the song. The suit was brought by the Ted Browne Music Company of Illinois.

THREE HELD IN THEFT OF EXPLOSION FUSES

Before to Have Held Up Captain of Lighter.

Charles Rosenbaum of 356 West Twenty-fifth street, Frank Barkery of 1131 Amsterdam avenue and Michael Toole of 426 West Nineteenth street, three men arrested by Magistrate Jesse Solihien in Jefferson Market Court yesterday charged with having stolen five bags of time fuses from lighter on North River early yesterday morning. They were held in \$5,000 bail for examination on Monday.

The fuses, which were stolen and later recovered, were on the lighter Alice at Pier 84 at the foot of West Twenty-fourth street. Early yesterday morning three men boarded the lighter and, according to the complaint, forced the captain into his cabin at the point of a revolver. They then lowered the bags into a motorboat and escaped.

COURT CLEARS THREE IN JAMAICA EXPLOSION

Pizza and Wife Are Held for Lieut. Duffy's Death.

Three of the five persons charged with homicide in connection with the death of Lieut. Albert L. Duffy, who was injured during a raid when a still exploded at 132 Beaufort street, Jamaica, on July 27, were acquitted of the charge by Magistrate Thomas Doyle in the Jamaica Police Court yesterday. Charges against them of violating the prohibition law were also dismissed.

The freed men were Alexander Bruno, 56, of 213 Liberty avenue, Jamaica; his son Anthony, 26, of 3863 Beaufort street, Woodhaven, and John Debo, 21, of 66 West Catherine street, Jamaica. The two others, Carmine Piza, 26, of 192 Beaufort street, and his wife, Julia, 23, were held in \$15,000 bail each on both charges. In addition Mrs. Piza was held in \$1,000 bail on a charge of felonious assault. Mrs. Piza is alleged to have pointed a loaded pistol at Lieut. Duffy and Detective Edward A. Nietzel.

5,000 U. S. TOURISTS RETURN ON LINERS

First Big Vanguard of Home- Coming Americans Gets In on Five Ships.

MANY AWAIT PASSAGE

Aquitania Alone Carried 3,183 Passengers—Also Large Amount of Bullion.

More than 5,000 homecoming American tourists arrived here yesterday on five big liners from European ports. The first big vanguard of the returning rush came with reports of many thousands others there awaiting passage.

With the arrival of the steamships Aquitania, Carmania, President Harding, Giuseppe Verdi and Rochambeau, yesterday was one of the heaviest days recorded in this port for the entire season.

The Aquitania of the Cunard Line carried 3,183 passengers and a large amount of gold bullion.

John N. Willys, president of the Willys-Owens automobile company, returned after having been abroad studying business conditions.

"I am a greater optimist than ever over the business outlook," he said. "The labor situation outside of Germany is relatively good and getting better. The buying power of the European countries is undoubtedly increasing. A keen competition for the European automobile market is developing among the manufacturers of Europe and the retailing countries toward the United States is likely to make this competition a much more important factor than is imagined."

Rabbi Stephen S. Wise returned, accompanied by Mrs. Wise and their son, L. W. Wise, and their daughter, Justine D. Wise, after an extended tour of England, the Continent, Egypt and Palestine.

The practice of the law is not any speedier abroad than in the United States, according to Max D. Steuer, who returned after a two months trip through Europe. With the exception of England and the European countries are slower and have more red tape in their legal procedure than the United States, he said.

On board the Cunard liner Carmania were 844 passengers.